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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/000,362 | 12/04/2001 | Gerard Auvray | Q67282 | 9785 |

23373 7590 05/18/2005

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| EXAMINER |
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SHARMA, SUJATHA R

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| ART UNIT | PAPER NUMBER |
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2684

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/000,362

Applicant(s)

AUVRAY ET AL.

Examiner

Sujatha Sharma

Art Unit

2684

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Lidbetter [US EP 1 079 547].

Regarding claim 1, Lidbetter discloses a system and method of providing a mobile telephone service on board a vehicle (see col. 1, lines 3-5 and fig. 1), said system being connected to a public land mobile network (see 4 in Fig. 1) via a satellite (see 6 in fig.1) and including means for setting up at least one transport connection between said vehicle and said public land mobile network before receiving a call request and for then using said transport connection for a call as soon as a request to set up a call is received. See col. 2, paragraphs 6,7,8 where the tracking radio link provides a continuous transport link that can be used to setup a call as soon as a request for call setup is rec'd. See also col. 2, paragraph 10, col. 3, paragraph 11, col. 4, paragraph 16

Regarding claim 2, Lidbetter discloses a method wherein the said transport connection remains in standby state. See col. 2, paragraphs 6,7,8 where the tracking radio link provides a continuous transport link that can be used to setup a call as soon as a request for call setup is rec'd. The reference discloses a method where the satellite link is continuously established i.e.

Art Unit: 2684

the link is in the standby state until a call setup is received. See also col. 3, paragraph 11, col. 4, paragraph 16.

Regarding claim 3, Lidbetter discloses a method wherein the duration of said transport connection is limited and reactivated in accordance with a time-delay. See col. 3, lines 19-22 and paragraph 13. Here the satellite link is reactivated after a time delay when the ship again leaves the shore and when there is no interference to the base station on board from the fixed base station on shore.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lidbetter [US EP 1 079 547] in view of Horrer [US 6,321,084].

Regarding claim 4, Lidbetter discloses all the limitations as claimed. However he does not disclose in particular wherein said vehicles are aircraft.

Horrer, in the same field of invention, teaches a method of setting up telecommunication for persons on board a vehicle such as an aircraft.

Art Unit: 2684

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to provide the above teachings of Horrер to Lidbetter in order that the person subscribed to a telecommunications network continues to be reachable in stationary or mobile facilities such as aircrafts.

Response to Arguments

5. Applicant's arguments filed 1/11/2005 have been fully considered but they are not persuasive.

The applicant argues that the primary reference does not disclose a method where a transport connection is established between the moving vehicle and the public land mobile network and further using this transport connection for a call setup.

The examiner respectfully disagrees and draws the applicant's attention to the Lidbetter reference. The term "transport connection" is given its broadest interpretation and the reference Lidbetter reads on this broad limitation. Lidbetter discloses a method where a tracking/control channel radio link is set up for providing a radio connection between the moveable base station and the fixed network. The tracking link is established to provide synchronization of the moving base-station with the satellite and in turn with the terrestrial network and thus carries signaling for call setup process. See col. 2, paragraph 10, col. 3, paragraph 11 and col. 4, paragraphs 16,17. Therefore the rejections of the claims 1-4 as presented in the previous office action and as discussed above are considered proper.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sinivara [US 6,055,425] Aeronautical cellular network

Bishop [US 6,052,604] Exchange which controls M Sims and N transceivers and
method therefor

Criqui [US 6,813,493] Cellular mobile telephone system that can be used on board
a vehicle

Rousseau [US 2002/0016168] Cellular mobile telephone system usable on board a
passenger transport vehicle

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as
set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Art Unit: 2684

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sujatha Sharma whose telephone number is 571-272-7886. The examiner can normally be reached on Mon-Fri 7.30am - 4.00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Sujatha Sharma
May 9, 2005


NICK CORSARO
PRIMARY EXAMINER